

Exhibit D

COMPLAINT AGAINST TIM HOWARD AND ANKUR MEHTA

My name is J.B. Harris, Esq., (FBN 495034). I have been a member in good standing with the Florida Bar for 36 years. I bring this complaint against Phillip Timothy Howard (Howard), Bar no.: 655325, and his consigliere, Ankur Mehta (Mehta), for certain illegal and unethical conduct spelled out below. Howard is the owner of Howard & Associates, P.A. (H&A), a Florida law firm.

H&A's main office is in Tallahassee at 2120 Killarney Way, Ste. 125, Tallahassee, Florida 32309. H&A also has two satellite offices, one in Jacksonville at Riverplace Tower, Suite 2101, 1301 Riverplace Blvd., Jacksonville, FL 32207, and one in Ft. Lauderdale at 101 N.E. 3rd Ave., Ste. 1500, Ft. Lauderdale, FL 33301

On January 20, 2017, I entered into a Joint Prosecution and Fee Sharing Agreement with H&A (the Agreement), a copy of which is attached hereto.

Pursuant to the terms of the agreement, Howard promised to pay me an annual salary of \$200,000, bi-weekly in the amount of \$7,692, plus a percentage of fees and costs, and to provide health insurance. In consideration thereof, I brought to H&A a portfolio of approximately 150 individual *Engle*-progeny tobacco cases filed in

state courts across Florida, plus approximately 1000 *Broin*-progeny flight attendant, secondhand smoking cases filed in Miami-Dade County.

The purpose of the Agreement was for me to try three or four cases each year for the duration of our relationship. Howard, in turn, would pay my salary and benefits, provide me with staff, fund the costs associated with prosecuting the cases, and in exchange receive an 80% share of the fees for any judgment or settlement that was collected.

Significantly, over the last year, all paychecks were issued by an alter-ego of H&A called Mehta Consulting, LLC, a Florida Limited Liability corporation. Every employee of H&A was and is treated as an independent contractor.

Mehta Consulting was the vehicle through which H&A funneled money to pay its employees and other expenses. Although he is not a shareholder or officer of Mehta Consulting, Howard is a co-signer on Mehta Consulting's business account and his name is affixed to each payroll check. Mehta also signs Mehta Consulting's checks for payroll and other expenses.

During the time I have been with H&A, Mehta's accounting practices were less than sterling. On one occasion, Mehta Consulting issued me a paycheck which was returned for insufficient funds. In other words, Howard/Mehta "bounced" my paycheck.

I know Howard bounced other checks as well, two to a landlord in Tallahassee and one to a landlord in Ft. Lauderdale. The landlord in Tallahassee forced H&A to vacate immediately, forcing H&A to move to another location overnight.

When we first met, Mehta informed me at the outset that Mehta Consulting was established to prevent H&A's employees from suing H&A, for things like sexual harassment, for example, meaning Mehta Consulting was established to illegally shield H&A from liability.

Over the course of a year, H&A/Mehta Consulting were consistently late in making payroll. The constant refrain from Howard and Mehta was that they were "waiting on a settlement" to come through to make payroll. Consequently, every employee suffered, including me, as automatic debits for things like the utility

bill, rent, tuition and other expenses would hit our accounts on, or soon after, payday, while we were waiting to get paid.

H&A/Mehta have not paid me or other employees since payroll ending January 5, 2018. Many employees have quit since then, and Howard has closed his Tallahassee office intermittently, because he cannot afford to pay his employees.

All told, I am owed more than \$40,000 in back pay, including a \$15,000 bonus Howard promised to me for my “inconvenience.” Howard also owes me severance for terminating our Agreement. After numerous promises to pay have been made and broken, I am still awaiting payment.

Three of my tobacco cases were already underway when I arrived at H&A. These are known as the Sommers, Bryant and Conniff cases. Attorney Richard J. Diaz of Miami, from the firm Richard J. Diaz, P.A., is also involved in these cases, along with Robert Trammell of Tallahassee, and Douglas Eaton and Carlos Satisteban from Miami, rounding out the team.

Significantly, Howard agreed to pay one-half of the costs of these cases, which Richard J. Diaz, P.A. had and continue to advance in full. Howard has failed to pay these costs as agreed and

owes the Diaz firm approximately \$32,000 in unpaid costs. The Diaz firm is preparing to sue Howard to strip him of his entitlement to fees. Once filed, I'm sure the Diaz firm will send a copy of the complaint to the Bar.

Oddly, for someone who has filed bankruptcy in the past and has no credit, Howard manages to obtain enormous loans. He does so, in part, through fraudulent and deceptive means.

For example, soon after I brought my *Engle* and *Broin* cases to H&A, Howard fraudulently, and without my knowledge or consent, used them as collateral to obtain a \$14,000,000 loan from a lender called Virage, even though Howard had filed no Notices of Appearance, or obtained any signed Retainer Agreements, from the thousands of clients I am responsible for.

From what I understand, Howard spent \$14,000,000 in a matter of days. On what, only he, Mehta and their cabal know for sure. Whatever the case, soon after receiving \$14,000,000, Howard once again could not make payroll on time.

At this writing, I am also aware of a \$24,400,000 wire from overseas being held by Chase Bank in New York, designated for one of Howard's accounts. Once again, the Bar must ask, where is this

amount of money coming from, where is it going and for what purpose.

According to Howard's consultant, Jeff Kahn of Kahn Advisors, LLC, 140 Broadway, 46th Floor, NY, NY 10005, kahnadvisorsllc@gmail.com, cell: 201-906-6806, the wire is so large Chase will not allow it through until they verify the authenticity and legitimacy of its originator, which they seem to be having difficulty doing at the time of this writing.

On another front, I understand a federal judge in Philadelphia referred a matter relating to Howard's questionable involvement in the NFL's brain injury class action settlement fund to the Securities and Exchange Commission (SEC).

As a result, the SEC's Miami office has opened an investigation, believed to be criminal, of Howard's practices relating to the treatment of his NFL clients. Employees from Howard's Tallahassee office witnessed the SEC serve a lengthy subpoena on Howard around the holidays. Howard then gave his Tallahassee employees an extra week off after the New Year, so he could comply with the subpoena without their knowledge.

While Howard is busy scamming money from unwitting lenders, Mehta is busy practicing law without a license. He solicits clients, negotiates settlements, attends depositions as a lawyer, and his name appears on court filings, even those filed in federal court. In short, both Mehta and Howard think that they are above the law and the rules. For this they should be held accountable.

Not only are Howard and Mehta both grifters and con-artists, they are co-conspirators in an ongoing conspiracy to commit fraud. If they don't ultimately go to jail, which they should, Howard is an embarrassment to the profession and should be disbarred for his history of illegal and unethical conduct, some of which is spelled out here.

Mehta, on the other hand, should be found to be practicing law without a license, prohibited from ever doing so again, and forced to find certain menial labor for which he is suited, like cleaning bathrooms in airports.